



*Third*, when the Circuit Court issues an order, this Court should dismiss as moot the claims for declaratory relief attacking the final order. *See* ECF No. 68, Prayer for Relief.

*Fourth*, the Circuit Court rejected Plaintiffs' federal preemption arguments and said that the adoption proceeding did not implicate U.S. foreign policy. This further confirms there is no basis for federal question jurisdiction here. *See* ECF No. 113 at 9–12.

*Fifth*, the Masts will appeal the Circuit Court's decision because the court should have applied Virginia Code § 63.2-1216, an issue already pending before the Supreme Court of Virginia. The Circuit Court also agreed to stay proceedings pending appeal.

*Finally*, even if the Circuit Court vacates the final Adoption Order, the Masts still have legal custody of Baby Doe under the interlocutory adoption order, which will remain in effect. Once the Virginia appeals courts determine whether the Does' petition should have been dismissed outright (with which the guardian *ad litem* also agrees), the Circuit Court will conduct further proceedings to determine the best home for Baby Doe. The Circuit Court specifically did *not* say that Plaintiffs have any legal status as *de jure* parents. The Court also did not grant Plaintiffs' request for custody.

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Respectfully submitted,

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